

Regular Session, 2010

SENATE CONCURRENT RESOLUTION NO. 87

BY SENATOR DORSEY

PUBLIC CONTRACTS. Adds certain provisions to the state procurement code.

A CONCURRENT RESOLUTION

To enact Louisiana Administrative Code 34:V.145(13), relative to procurement of professional, personal, consulting and social services; to provide for disadvantaged business enterprises and veteran owned businesses; and to direct the Louisiana Register to print the amendment in the Louisiana Administrative Code.

WHEREAS, the state and other public entities enter into contracts in order to provide services to the people of Louisiana; and

WHEREAS, some of these contracts are let through a request for proposal process that allows businesses to apply and compete for contracts; and

WHEREAS, one of the aspects of the request for proposal process is the grading process whereby points are applied to each application.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 34:V.145(13) is hereby enacted to read as follows:

§145. Request for proposal

Unless otherwise stated, this Section applies to Requests for Proposals (RFP) for both consulting and social services contracts.

* * *

13. Disadvantaged Business Enterprises and Veteran Owned Businesses

1 (a) For those contracts which must be let with a request for proposal, fifteen
2 percent of the total score shall be based on whether the business is certified as a
3 disadvantaged business enterprise of a veteran owned business, or whether the
4 business subcontracted, as part of a contract with a public entity, at least twenty-five
5 percent or more of its work to a business certified as a disadvantaged business
6 enterprise of a veteran owned business in the previous twelve month period. The
7 following shall apply when scoring a business which subcontracts less than twenty-
8 five percent of its work to a business certified as a disadvantaged business enterprise
9 of a veteran owned business:

10 (i) A business which subcontracts less than twenty-five percent but more than
11 twenty percent shall be awarded eighty percent of the fifteen percent of the total
12 score.

13 (ii) A business which subcontracts less than twenty percent but more than
14 fifteen percent shall be awarded sixty percent of the fifteen percent of the total score.

15 (iii) A business which subcontracts less than fifteen percent but more than ten
16 percent shall be awarded forty percent of the fifteen percent of the total score.

17 (iv) A business which subcontracts less than ten percent but more than five
18 percent shall be awarded twenty percent of the fifteen percent of the total score.

19 (v) A business which subcontracts not more than five percent shall be
20 awarded ten percent of the fifteen percent of the total score.

21 (vi) A business which has not subcontracted with a business certified as a
22 disadvantaged business enterprise of a veteran owned business shall not be awarded
23 any points pursuant to this Paragraph.

24 b. If a business has not subcontracted in the previous twelve month period,
25 the reviewing entity shall determine the last known date of subcontracting and
26 consider the prior twelve months from such date in determining the applicability of
27 this Paragraph.

28 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
29 to the office of the state register and the division of administration.

30 BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have

- 1
- the amendment to LAC 34:V.145 printed and incorporated into the Louisiana Administrative
- 2
- Code and to transmit a copy of the revised rule to the division of administration.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tim Prather.

DIGEST

Dorsey SCR No.

Adds the following provision to the procurement rules in the La. Administrative Code relative to procurement of professional, personal, consulting and social services:

Disadvantaged Business Enterprises and Veteran Owned Businesses

For those contracts which must be let with a request for proposal, 15% of the total score will be based on whether the business is certified as a disadvantaged business enterprise of a veteran owned business, or whether the business subcontracted, as part of a contract with a public entity, at least 25% or more of its work to a business certified as a disadvantaged business enterprise of a veteran owned business in the previous 12 month period. The following will apply when scoring a business which subcontracts less than 25% of its work to a business certified as a disadvantaged business enterprise of a veteran owned business:

1.
- A business which subcontracts less than 25% but more than 20% will be awarded 80% of the 15% of the total score.
2.
- A business which subcontracts less than 20% but more than 15% will be awarded 60% of the 15% of the total score.
3.
- A business which subcontracts less than 15% but more than 10% will be awarded 40% of the 15% of the total score.
4.
- A business which subcontracts less than 10% but more than 5% will be awarded 20% of the 15% of the total score.
5.
- A business which subcontracts not more than 5% shall be awarded 10% of the 15% of the total score.
6.
- A business which has not subcontracted with a business certified as a disadvantaged business enterprise of a veteran owned business will not be awarded any points.

If a business has not subcontracted in the previous 12-month period, the reviewing entity will determine the last known date of subcontracting and consider the prior 12 months from such date in determining the applicability of this rule.

Directs the transmission of a copy of the Resolution to the office of state register and division of administration.

Directs the La Register to print the amendment in the La. Administrative Code.